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AUTHOR Hodgkinson, Harold L.; Rist, Ray C.
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ABSTRACT

The efforts of the National Institute of Education (NIE) in the area of school desegregation are located within the Desegregation Studies Staff. This staff is directing research and development activities aimed at answering three broad questions of knowledge, policy, and practice. The staff has focused its efforts on an understanding of the social processes involved in the desegregation effort. It has done so with a desire to provide answers to those questions most central to achieving stable and humane integrated education. The following are suggested as factors that, in fact, are contributing to the present unsettled situation: (1) the problem of the apparent random policy of desegregation in the North; (2) the problem that segregated metropolitan housing patterns has made desegregation nigh unto impossible in some large cities; (3) the problem of de jure segregation; (4) the problem of resistance to Federal control; and (5) the problem of many remaining unconvinced of the educational merits of desegregation. There are a variety of both short and long run policies available and which relate to effective and viable integrated education. A discussion is presented of the alternative both at the Federal and state/local levels.
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SCHOOL DESEGREGATION IN THE 1970'S:

PROBLEMS AND PROSPECTS

NATIONAL INSTITUTE OF EDUCATION
Harold L. Hodgkinson, Director
Ray C. Rist, Associate Director
Educational Equity Group

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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SUMMARY

SCHOOL DESEGREGATION IN THE 1970'S: PROGRAMS AND PROSPECTS

The legal and moral mandate for the elimination of segregation in our nation's schools is clear. The issue now facing us is how to assist in the transition to desegregated education and to make such educational settings viable and humane places for all children. The legal basis upon which desegregation efforts are built goes back to Brown and now represents a substantial body of case law--all of which continues to affirm the illegality of de jure school segregation.

There are a number of misconceptions regarding school desegregation. The following are suggested as what are not at the basis of the current dissatisfaction and anxiety.

1) The problem is not busing per se.
2) The problem is not de facto segregation in either the South or the North.
3) The problem is not school achievement.
4) The problem is not a rejection of the principle of desegregation.
5) The problem is not that school desegregation cannot go smoothly.

The following are suggested as factors that, in fact, are contributing to the present unsettled situation:

1) The problem is the apparent random policy of desegregation in the North.
2) The problem is that segregated metropolitan housing patterns has made desegregation nigh unto impossible in some large cities.
3) The problem remains de jure segregation.
4) The problem is resistance to Federal control.
5) The problem is that many remain unconvinced of the educational merits of desegregation.

There are a variety of both short and long run policies available to educators and policy-makers to effective viable integrated education.

A discussion is presented of the alternative available both at the Federal and state/local levels.

NIE's efforts in the area of school desegregation are located within the Desegregation Studies Staff. This staff is directing research and development activities aimed at answering three broad sets of questions. These are:

1) Questions of Knowledge
2) Questions of Policy
3) Questions of Practice

The staff has focused its efforts upon an understanding of the social processes involved in the desegregation effort. It has done so with a desire to provide answers to those questions most central to achieving stable and humane integrated educational settings.

SCHOOL DESEGREGATION IN THE 1970'S:
PROBLEMS AND PROSPECTS**

PART I

INTRODUCTION

Surely there are few conditions in American education which test more strongly the viability of a democratic, diverse, and pluralistic society than do those circumstances surrounding the desegregation of our public educational systems. Racial integregation has been viewed in many sectors of our society as a critical dimension of education opportunity and as a means to fulfill the goal of equal justice for all children, regardless of their race, ethnicity, or religious background. It is thus appropriate that the National Institute of Education, through its Desegregation Studies Staff, undertake research in this area of vital national concern. The moral and legal mandate for the elimination of segregation in our public schools is clear. The issue facing us now is how to assist in the transition to desegregated education and to make such educational settings viable and humane places for all children.

BACKGROUND

In the more than two decades since the monumental Supreme Court decision of 1954 (Brown v. Board of Education of Topeka, Kansas), the United States as a society has been grappling judicially, philsophically, and pedagogically with the situation

*** In preparing Part II of this paper, I have relied heavily upon an unpublished manuscript of Marshall S. Smith, Associate Director, Office of Planning, Budget, and Program Analysis.

of white and minority children learning and participating together in public school classrooms. It would be merely historical recitation to detail the various mood of this society with respect to the degree, frequency and intensity of interest in achieving desegregated public school systems throughout the country. The controversy surrounding the social merits, the legal requirements, and the educational effects of desegregation remains intense, and displays no sign of abaiting in the near future.

In the now famous footnote to that 1954 decision, the Supreme Court utilized a variety of social science studies, all of which pointed towards the detrimental effects on the Black child accruing from attendance in a segregated school. On the basis of those studies, the Court noted:

> Segregation of white and black children in public schools has a detrimental effect upon the black children. The impact is greater when it has the sanction of law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial(ly) integrated school system.

The fact is that more than twenty years later, there is still much racial segregation in American public education. Furthermore, there are pressures within the society to delimit

further efforts at desegregation. Nevertheless, there is a persistent and strong endorsement from many sections of the society for desegregation. In the courts there continue to be a large number of cases adjudicated in favor of those plaintiffs seeking a desegregated education for their children. The baseline issue is no longer whether to have desegregated public education in the United States, but rather how to achieve it in such a way that both complies with the law and provides positive educational experiences for children. Again quoting from that 1954 decision:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

Building upon both the constitutional mandate for desegregated education and the need for cogent and insightful analyses to make such an education viable for all children, the National Institute of Education has sought to expand our understandings of the desegregation process. But prior to an elaboration of the efforts here at NIE, it is perhaps worthwhile to chart our understandings of what are and are not some of the central issues surrounding the current school desegregation debate. In this way, we hope to make evident some of the underlying assumptions behind our own efforts and thus what have, in part, guided our development of the research agenda. The school desegregation issue, be it its'

political, pedagogical, or judicial dimensions, is obviously more than can be adequately encompassed in these few pages. But by seeking some clarity as to what precise are the issues, the subsequent discussion of the NIE program should come into sharper focus.

PART II

PERCEPTIONS OF THE ISSUES:

It is merely a stating of the obvious to note that there are many misconceptions and misunderstanding regarding school desegregation efforts in the United States. This present discussion is now divided into two parts: the first considers a variety of factors which many believe to be causes of the controversy, but in fact, do not appear to be important factors: the second part attempts to identify some of what are believed to be important to an understanding of what is presently happening and why.

A. What the "Problem" is not:

1) The problem is not busing per se.

a. Of the nearly 42 million children in public schools, more than 50% (20.8 million) ride buses to school. Of these, only an estimated 7 percent (1.5 million) are bused for reasons of desegregation.

b. Parents of children who are bused find busing convenient (89%) and satisfactory (83%) in October, 1975.

2) The problem is not de facto segregation in either the North or the South. Every standing court order has been issued on the grounds of de jure segregation. In each case where court orders have been issued the courts have found that the State has carried out systematic action which led to the segregation among schools of black and white students. From the view of the courts as embodied in a massive amount of litigation since Brown vs. Board in 1954, there has been no essential difference in the reasons for ordering system-wide desegregation in Northern or Southern cities.

3) The problem is not school achievement -- there is no evidence of white scores declining -- in fact there is some slight evidence of black scores rising. A recent experiment using ESAP funds, for example, found positive gains under certain conditions for black students.

4) The problem is not a rejection of the principal of desegregation -- most Americans say they believe in desegregation of the schools and the percentage seems stable. Moreover, recent polls indicate that most White Americans would send their children to majority black schools.

5) The problem is not that desegregation cannot go smoothly -- in the period from 1968 - 1971 most of the South underwent massive desegregation and we

hear little about it now. In the North, Wichita, Las Vegas, Stockton, Providence, Waukegan, Berkeley, Riverside, Portland, Racine, Minneapolis, Ann Arbor and many others have desegregated, mostly voluntarily. And even in places such as Pontiac and Little Rock where there was initial great controversy, education is now occurring in a calm and non-hostile setting.

B. <u>What are the Factors Contributing to the "Problem?"</u>
<u>(The Focus Here is on the North)</u>

1) One factor is the apparently random policy of desegregation by cities in the North -- thus Boston has a court-order while, for example, Cincinnati and Chicago, at present do not, even though these cities appear to have similar levels of racial separation. Such randomness raises questions of distributive justice.

2) A second factor stems from the fact that in some Northern cities the trend in white flight -- almost all of which is not caused by desegregation -- has created a situation where the cities are predominately black. <u>So long as the suburbs are excluded from from desegregation plans in many of these cities, substantial integration cannot occur</u>. And the movement to the suburbs has changed the social-economic composition of the cities -- racial integration of only financially poor blacks and whites.

3) Third, there is clearly resistance to Federal control--not local control. This, at a time where the faith of people in many Federal institutions is at a very low level and at a time where there is a lack of a clear understanding about what is the position of the Federal government. The Executive branch has one view, the Legislative another, and the Judiciary yet a third. Perhaps a major part of the resistance, though comes from large-scale Federal compulsion -- not from integration.

4) A fourth factor is that even though the courts have attempted to suggest quite creative plans they have not been able, apparently, to convince most people that desegregation will increase the quality of schools. Though there is no question but that school resources would be equal under a desegregation plan, this is not in itself convincing, especially for whites. Along with this is an apparent increase in a sense of racial and ethnic pride--a sense which leads many people to desire that their children attend schools where overwhelmingly there are only others like themselves.

THE COURT'S POSITION:

A. EQUAL PROTECTION:

Policy will be guided by a sense of ultimate goals. The present Federal position is guided by the Court's action in Brown vs. Board and subsequent court action since 1954.

"in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plantiffs and other similarly situated...are, by reason of the segregation complained of, deprived of the equal protention of the laws guaranteed by the Fourteenth Amendment." Brown vs. Board, 1954.

The Court was referring to State actions that created separate educational facilities. The judges in the North that have ordered school desegregation have similarly been referring to de jure segregation. The law is very strong in this area. There seems no chance that the Supreme Court will, for example, overthrow either the Boston or the Louisville decision.[1]

B. LOCAL RESPONSIBILITY -- COURTS ARE LAST RESORT

Both in Brown II and in Swann the courts stated that school authorities "have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of governing constitutional principals." The courts have continually

1. On Monday, June 14, 1976, the Supreme Court refused to review Federal Court orders for the busing of 21,000 Boston public school students as a remedy for widespread acts of official segregation. Without comment the court left standing decisions by U.S. District Court Judge W. Arthur Garrity, Jr. and the First U.S. Circuit Court of Appeals.

perceived themselves as a last resort. Where good faith on the part of school systems to voluntarily reverse discriminatory policies has existed, the courts have not moved into the cases.

C. SUMMARY POSITION

The position guiding the Nation's courts then is the vision of the Brown and subsequent decisions. The courts clearly have a preference for locally initiated actions which overcomes past histories of discrimination, but in the event that local actions do not arise they have an obligation to ensure equal protection.

LONG RANGE POLICIES:

The issues of school desegregation are heavily embedded in issues of housing, jobs and income. Until there is truely equal access to housing; until the financing for housing in the cities is equivalent to financing for housing in the suburbs; until there are more jobs for minorities; and until poverty is eliminated, there undoubtedly will be troubles related to equal educational opportunity. Long-term policies must address these issues.

SHORT-RANGE POLICIES:

In order to address the controversy in the short run, the Federal Government must distinguish between those cities which have already been ordered to desegregate by the Courts and those cities where the courts have either not entered the case or have not yet presceibed a remedy. In the first

instance, unless there is a dramatic action in the form of a Constitutional amendment outlawing busing, a major role of the Federal Government is clear--to implement the plans of the courts in as productive and humane manner as possible.

In the second instance, there is greater flexibility for constructive action by the Federal Government. The burden here lies on the LEA to carry out activities designed to convince potential plantiffs and the courts that the LEA is acting in "good faith" to ameliorate past injustices. This requires a realistic appraisal by the LEA's of their past actions and in many instances a reasonable plan for voluntary desegregation. Federal actions could include technical assistance, incentives for cities which voluntarily desegregate, etc. Milwaukee and St. Louis may both serve for some Northern cities as prototypes of possible local initiatives.

A. SHORT-RANGE POSITION DIRECTED AT CITIES UNDER COURT ORDERED ORDERS TO DESEGREGATE:

There are three parts to this discussion. The first considers a little of what we know about cities which have been ordered to desegregate and the consequences of Federal enforcement stances. The second considers implications of a number of actions which have been proposed at the Federal level. The third briefly suggests some constructive activities which might be undertaken by the Federal Government.

1) We know a number of things about cities which have been ordered to implement court plans.

   a) First, there is more tranquility than conflict;

   b) Second, clear signals and decisive actions by Federal, State and local authorities to insure that the law of the land will be obeyed greatly helps to promote tranquility. The opposite is also known. If Federal, State and local authorities appear to waiver in their obligations to uphold the law, conflict is often the result.

   c) Third, it is clear that in cases where busing has been ordered, other proposed methods for achieving substantial racial balance would not have worked fully to the satisfaction of the plantiffs and and the courts. Indeed, in many instances the LEA has proposed plans based on mechanisms the courts, however, have found inadequate.[2] This does not mean that these mechanisms will not work in all instances or that the most creative ways of using these mechanisms have been tried. It does mean that the plans were not seen as sufficient in most of the cases in which the

2. A partial listing of those procedures found wanting by the courts would include the following: Construction of new schools, expansion of existing schools, closing of schools, changing attendance zones, open enrollment, controlled transfer policy, creation and/or utilization of feeder patterns, and busing.

courts have acted--cases where the courts have determined that there is de jure segregation and where the courts have viewed cities as not having acted in good faith to overcome this condition.

2) We can also predict a number of consequences of suggested Federal action:

a) As indicated earlier there is no evidence that the Supreme Court will overturn the findings of de jure segregation or the proposed remedies in such places as Boston and Louisville.

b) A Federal law that rules out busing as a means of desegregation will probably be overturned in the courts.

c) A constitutional amendment that outlaws busing as a possible mechanism for desegregation runs the risk of setting Federal policy regarding equal educational opportunity back by 75 years--back to Plessey--back to "separate but equal." The fact that busing is necessary for reasonable desegregation in many instances, but would be outlawed might create a logic that leads to the conclusion that Brown vs. Board has been overturned. The conclusion would be, therefore, that the desegregation that has occurred in the South and in the North could be also overturned. Such a situation could conceivably lead to a

large number of court appeals and actions by State legislatures directed by a re-establishing dual school systems. It would undoubtedly also lead to great disharmony in the society.

d) Reduction of enforcement of Title VI regulations might well lead to greater resistance to voluntary desegregation, more court orders in emotion-laden settings, greater conflict in particular cities and, in general, greater disharmony in the Nation.

e) The Federal Courts have re-opened the metropolitan issue in Wilmington, Indianapolis, Baltimore and in other places. It may be that under certain conditions metropolitan plans will be approved. This could lead to an increase in desegregation both by race and by class.

3) What might be done in instances where the courts have ordered desegregation? The intent here is not to pick out specific actions but rather to suggest that these are actions the Federal Government can undertake.

a) A reasonable approach in these cities is to direct the resources of the Federal government to the task of developing ways of making the desegregated situation productive. The courts have proposed mechanisms for creating quality education (such as magnet schools and use of nearby universities for technical assistance) in situations like Boston and Detroit. The

efforts of the country could go into ways of implementing these mechanisms for creating attractive safe school environments for children. Over the long run we need more information and better practices for teachers, parents and school administrators in desegregated settings.

b) As time goes on there may be a variety of other ways of increasing the attractiveness of schooling in desegregated cities. At any time, for example, the State legislature in Massachusetts could pass a law ordering a metropolitan plan. The rational behind such a plan is that both the financial and the social burdens could be shared. With the proper incentives from the Federal government, such plans might be accelerated. And the attention given to school desegregation in combination with the school finance and competency-based education movements in the States, could spark a new movement toward giving desegregated cities the knowledge and resources for truly creating quality schooling.

B. SHORT RANGE POLICIES IN CITIES WHERE COURT ORDERS HAVE NOT BEEN ISSUED

The situations where court-ordered desegregation has not occured present a somewhat different set of opportunities. Here the courts have either not entered the cases, or have not reached a decision, or have decided that the

community is acting in good faith to create equal and integrated opportunities. There are a variety of classes of actions that can be taken in these instances.

1) Federal government could offer incentives to cities which show evidence of a desire to desegregate. ESAA monies could be increased and distributed to cities for creation of plans to desegregate, for implementation of the plans and for the "cooling"-out period after the plan has been put into effect.

2) Where voluntary metropolitan efforts exist (e.g., Boston, Hartford) the government could provide substantial support for transportation and some service. The METCO program in Boston, for example, has a waiting list of over 1,000 students.

3) The government could help develop and disseminate and sponsor teacher training programs for teachers, parents and school administrators in school systems planning desegregation and in cities where desegregation has just taken place. In Detroit, for example, Wayne State has been written into the Federal Court order to provide inservice training for desegregated schools but has only a modest sum in comparison to the scope of the mandate.

4) The government could gather together information and provide technical assistance about the various alternatives to achieve desegregation. It also could offer incentives to cities to develop plans which have a heavy emphasis on quality education. At present few resources exist. It is clear that desegregation plans must be tailored to specific districts. Geography and housing patterns have a great effect on the reasonableness of different plans. The strategies for utilizing mechanisms for desegregation which are alternatives to busing are not well understood and need general analysis and dissemination so that LEA's can develop their own plans. These mechanisms include:

a) Magnet Schools have been attempted in a variety of forms with mixed success. Yet there exists no serious study of when or where they have been effective.

b) Open Enrollment with the provision of only allowing transfers which do not increase segregation has worked in a number of places;

c) Rezoning - altering school attendance zones, closing facilities etc., has often been an important part of more comprehensive plans.

d) Pairing and clustering in Berkeley and in many southern districts seems to have been particularly effective;

e) Plans that offer a choice of alternative schools could be used to offset the compulsory and mandatory aspect of desegregation - particularly at the high school level these plans have had success for many years. There are lots of proposed mechanisms for offering choice -- they need to be described and tailored to individual situations.

In most instances individual mechanisms taken alone are not sufficient to meet the needs of particular districts. Combinations of mechanisms, however, often come closer to meeting the needs. Above all, there must be a sense of purpose and commitment to the goals of an integrated society.

PART III

THE RESPONSE OF NIE:

In addressing the problem and issues related to school desegregation, there are several underlying and basic assumptions guiding the efforts and research directions of the NIE Desegregation Studies Staff. Succintly, they are as follows: 1) The phenomena related to desegregation are dynamic as opposed to static; 2) It is not feasible at this time to think of an "end point" when the desegregation process in American public education will be so complete that the issue no longer demands our attention and resources. This is so in spite of the fact that desegregation is proceeding smoothly and exceedingly well

in many communities across the nation; and 3) What is occuring in our society is an evolutionary though rapid transformation of what was formerly both legally and socially accepted, i.e., school segregation, to a new situation where school integration is the established norm and goal.

Consequently, the program and activities of the Staff are structured in such a way as to be responsive to this condition of continual social, political, and pedagogical change regarding school desegregation. If one were to briefly summarize the thrust of the activities, it would be to suggest the goals are a firm understanding of the processes involved in school desegregation ranging from classrooms to the courtrooms, and second, to develop, and evaluate, and disseminate techniques and procedures to enhance these processes so as to make the integrated setting a viable experience for children.

The research activities being supported by the Staff can be characterized as emphasizing the analysis of social processes as opposed to quantifiable outcomes. Thus there are at present no such massive studies as those previously undertaken by Coleman and his colleagues being supported by the Staff. Likewise, there is a de-emphasis of large scale data collection efforts on a variety of outcome measures, be they achievement scores, attendance patterns, post high school aspirations, and the like. Much work in this area is going on already in various research circles and it was thought unwise to mount duplicative efforts. Finally, the de-emphasis upon outcome measures suggests that the Staff has sought to avoid allocating resources towards the

resolution of academic debates that do not appear particularly salient to the issues faced by parents, teachers, principals, school boards, and the children themselves as they strive to create viable integrated settings.

By moving outside the vertiable pandora's box of effects studies of desegregation, the Staff has been free to focus its energies upon the development of a firm and comprehensive understanding of the processes and dynamics at work during the desegregation period. Furthermore, such a focus allows the Staff to pursue the question of how, in fact, to maintain desegregated settings once they are achieved. To emphasize the study of the processes of desegregation is to simultaneously address the immediate issues faced by those directly involved and also the very intriguing social science questions of understanding social change and social organization. Thus the Staff seeks to answer those questions most necessary to the achievement of humane educational settings, now and in the future--as the social fabric of the society continues to be woven.

The Desegregation Studies Staff, in consultation with and drawing advice from diverse groups and individuals involved with the desegregation issue, has identified three generic areas in which it will pursue research, development, and dissemination activities over the coming several years. These generic areas can be summarized as pertaining to 1) questions of knowledge, 2) questions of policy, and 3) questions of practice. Employing this framework for the presentation of the Program Goals, one

can summarize the activities of the Desegregation Studies Staff as follows:

QUESTIONS OF KNOWLEDGE:

- The development of a set of longitudinal ethnographic studies describing and analyzing in detail the multiplicity of dynamics and realities inherent in the desegregated setting.
- The development, evaluation, and implementation of various models applicable to the modification of teacher expectations in integrated settings.
- The development, implementation, and evaluation of various strategies available for the enhancing of school-community relations during the desegregation process. Particular concern is placed upon the opening and maintaining of communication channels between the school and community during the initial crisis period.
- The building of a longitudinal body of knowledge describing the implications, syntheses, and divergences derived from an on-going assessment of the desegregation research literature.

QUESTIONS OF POLICY:

- An assessment of the impact of legal decisions and the more general role of the courts in relation to the desegregation process. Of additional concern will be the role of social science research findings as they relate to both findings of harm and means of remedy in desegregation cases.

- A longitudinal assessment of the impact of school desegregation upon residential mobility patterns in urban areas. Of particular concern will be the assessment of the influence of desegregation efforts upon the decisions of residents to maintain or change their residence.
- An assessment of the ramifications and implications of the concurrent movements in the United States towards school integration and bi-lingual education.
- The development of a long range capacity for the capabilities of conducting policy related research on issues of school desegregation.
- The continued support for inter-agency cooperation at the Federal level on matters of school desegregation, particularly with respect to issues of policy research and policy formation.

QUESTIONS OF PRACTICE:

- The implementation, evaluation and dissemination of strategies related to the means by which to create equal status conditions in desegregated settings. Such work would follow the pilot studies now underway.
- The formulization of various strategies available to both schools of education and public school systems for the in- and pre-service training of teachers and principals to work in integrated settings.
- The assessment of various strategies effective in minimizing the impact of "resegregation" as a second generation desegregation problem. Focusing on such dynamics as

suspensions, explusions, tracking procedures, and leaving the public school system, these studies will assist school personnel in maintaining the desegregated settings they have achieved.

- The implementation, evaluation, and dissemination of strategies related to "crisis prevention" during the process of desegregation. A number of studies have focused upon the first sixty days as a critical time frame in which school districts have the greatest opportunities to insure that the process begins smoothly and moves through transition with a minimum of disruption. Efforts are underway to focus upon those activities available to school personnel to help achieve this transition in a peaceful and positive manner.

SUMMARY:

As noted, the research and development activities are oriented towards three generic questions: Questions of knowledge, questions of policy, and questions of practice. In this way it is hoped that a comprehensive analysis and understanding of the dynamics of school desegregation may be achieved. By moving across a range of problems related to school desegregation, and addressing the interrelations among them, the activities of the Staff should

contribute to our understandings of school desegregation. We seek to provide a solid research base from which policy-makers and practioners can work in the efforts to achieve viable and humane integrated educational settings for the children of this society.

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